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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

Epic Games, Inc. v. Google LLC, No. 3:20-cv-
05671-JD

Case No. 3:21-md-02981-JD

**[PROPOSED] ORDER RE NON-PARTY
SPOTIFY'S ADMINISTRATIVE
MOTION TO SEAL PORTIONS OF THE
DEPOSITION OF SANDRA ALZETTA
AND EXHIBITS THERETO**

Judge: Hon. James Donato

On November 7, 2023, Non-Party Spotify USA Inc. (“Spotify”) filed an Administrative Motion to Seal Portions of the Deposition of Sandra Alzetta and Exhibits Thereto (the “Motion”). Through the Motion, Spotify moves to seal certain portions of the deposition of Spotify employee Sandra Alzetta taken on September 29, 2022 (the “Alzetta Deposition”), and portions of certain exhibits that were marked during the Alzetta Deposition (the “Alzetta Exhibits”). The motion is supported by the Declaration of Sandra Alzetta, which identifies the specific portions of the Alzetta Deposition and Alzetta Exhibits that are sealable and the reasons for sealing them, and the Declaration of Shane M. Palmer.

Having considered Spotify’s Motion and supporting declarations,

IT IS HEREBY ORDERED:

Compelling reasons exist to seal the information requested by Spotify for the reasons set forth in the Declaration of Sandra Alzetta. The following portions of the Alzetta Deposition may be filed under seal and may only be played in a sealed courtroom:

Page & Line Numbers	Reasons for Seeking Sealing	Ruling
42:20–44:15 50:3–10 52:14–53:11 54:12–55:6 70:5–15 70:23–72:21 82:3–8 82:13–83:2	Reflect or reference the terms of Spotify’s carefully negotiated agreement with Google regarding User Choice Billing and the Google Play Store; public disclosure of those terms would disadvantage Spotify in its future negotiations with other parties, harm Spotify by allowing Spotify’s competitors to use such information to inform their own business strategies, and generally harm Spotify’s ability to compete and grow its business.	

Page & Line Numbers	Reasons for Seeking Sealing	Ruling
100:14–17	Reference the average payment processing fees Spotify paid to payment processors for subscriptions to Spotify’s audio streaming app; public disclosure of that information would disadvantage Spotify in its future negotiations with other parties, harm Spotify by revealing information about Spotify’s cost structures, and generally harm Spotify’s ability to compete and grow its business.	
138:13–139:2 140:18–141:12	Reflect or reference Spotify’s confidential negotiations with Google regarding the use of Google Play Billing, including specific rates and terms that were proposed by each party to the negotiations leading up to the execution of the User Choice Billing Agreement, the rationale for those proposals, Spotify’s negotiation strategy, or Spotify’s contingency planning during the course of negotiations in the event an agreement was not reached; public disclosure of that information would disadvantage Spotify in its future negotiations with Google and other parties, harm Spotify by allowing Spotify’s competitors to use such information to inform their own business strategies, and generally harm Spotify’s ability to compete and grow its business.	
151:6–7 164:11–12 173:19–20	Reflect or reference Spotify’s proprietary, internal data and analysis concerning the use of its app across different platforms, which is highly sensitive information that Spotify keeps confidential and does not disclose to the public; public disclosure of that information would disadvantage Spotify in its future negotiations with other parties, harm Spotify by allowing Spotify’s competitors to use such information to inform their own business strategies, and generally harm Spotify’s ability to compete and grow its business.	

The following portions of the Alzetta Exhibits may be filed under seal and may only be shown in a sealed courtroom:

Deposition Exhibit Number (Bates Number)	Document Description	Portion Sought to Be Sealed	Reasons for Seeking Sealing	Ruling
Exhibit 1532 / PX 2058 (GOOG-PLAY-011250116)	Spotify – Google Play Better Together Program Partnership Addendum to the Google Play Developer Distribution Agreement	Entire document	Reflects the terms of Spotify’s carefully negotiated agreement with Google regarding User Choice Billing and the Google Play Store; public disclosure of those terms would disadvantage Spotify in its future negotiations with other parties, harm Spotify by allowing Spotify’s competitors to use such information to inform their own business strategies, and generally harm Spotify’s ability to compete and grow its business.	
PX 2062 (SPOT-GOOGLE-00000014)	Chart summarizing average U.S. payment processing fees paid by Spotify	All figures in the chart, <i>i.e.</i> , everything except first column and header row	Reflects the average payment processing fees Spotify paid to each of the payment processors it uses for payments by customers in the United States for subscriptions to Spotify’s audio streaming app, for each year from 2017 through mid-2021; public disclosure of that information would disadvantage Spotify in its future negotiations with other parties, harm Spotify by revealing information about Spotify’s cost structures, and generally harm Spotify’s ability to compete and grow its business.	

1 The portions of the Alzetta Deposition and Alzetta Exhibits that are sealable, as
2 indicated in the charts above, shall be redacted from any transcript of the Alzetta Deposition and
3 from any versions of the Alzetta Exhibits that are made available in the public record during or
4 after trial.

5 **IT IS SO ORDERED.**

6 Dated: _____, 2023

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10 Honorable James Donato
11 United States District Judge
12 Northern District of California
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